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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,043	12/19/2001	Hideyuki Matsushima	05711.0136	9496

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EXAMINER

BAHTA, ABRAHAM

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,043

Applicant(s)

MATSUSHIMA ET AL.

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 112

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the term "belt-like" is indefinite as it is not clear what is encompassed by "like".
What is like a belt?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuBois (USP 4,963,322).

DuBois teaches a transparent cylindrical or tubular sheath wherein a reflective material is inserted into the tubular sheath. See col. 3, lines 13-51 and col. 4 lines 13-35. The sheath comprises a spacer so that the reflective material may not have a tendency to bind against the sheath inner surface. See col. 3, lines 16-27. The reflective material may be a rectangular piece of foil. See col. 2, lines 62-65. The reflective material may comprises a fixing portion such as radial

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facilitating the passage of the of the support tube with attached foil, into the transparent tubular sheath. See col. 3, lines 19-28.

DuBois does not require the transparent the transparent cylinder made of synthetic resin; however, since DuBois teaches the support tube may made from a plastic material, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to fabricate the transparent tubular sheath form a synthetic resin, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability.

Claim Rejections - 35 USC § 103

Claims 5-6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DuBois (USP 4,96,322) in view of Billingsley et al (USP 6,110,558).

As discussed above, applicants claimed invention is taught by DuBois except DuBois does not require an attachment means on the outer surface of the sheath member; however, Billingsley teaches a reflective article having a retroreflective material wherein the article may be attached to shirts, sweaters, jackets, gloves, belts, hats, bags. The reference teaches the reflective article may be secured mechanically or by use of an adhesive to a substrate such as a fabric or article of clothing. See col. 4, lines 3-6 and col. 7, line 30 - col. 8, line 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an attachment means or portion to the reflective article of DuBois as taught by Billingsley in order to attache the reflective material to a desired object or substrate.

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Regarding claim 6, DuBois does not require a retroreflective material; however, Billingsley teaches a reflective article having a retroreflective material. See col. 4, See col. 3-6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a retroreflective layer to the reflective material of DuBois in order to return a substantial portion of incident light in the direction from which the light originated as suggested by the reference. See col. 1, lines 17-19.

Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412.

The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).


If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta

03/07/03



DEBORAH JONES
SUPERVISORY PATENT EXAMINER